IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WA.No. 1603 of 2007()

AGAINST THE JUDGEMENT IN WPC.14511/2007 Dated 04/06/2007
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APPELLANT: PETITIONER

C.MOHANABALAN,GENERAL MANAGER(MARKETING &PERSONNEL),KERALA STATE WAREHOUSING CORPORATION, HEAD OFFICE, ERNAKULAM, P.B.NO.1727,WAREHOUSING CORPORATION ROAD, COCHIN- 682 016 (UNDER ORDERS OF SUSPENSION), RESIDING AT 31/363-A1,PARADISE GARDENS,PARADISE ROAD,VYTTILA PO,COCHIN-682 019.

BY ADV. SRI.P.N.RAVINDRAN
SMT.PREETHY KARUNAKARAN
SMT.M.M.DEEPA
SRI.JAYKAR.K.S.

RESPONDENTS: RESPONDENTS
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1. THE KERALA STATE WAREHOUSING CORPORATION HEAD OFFICE, ERNAKULAM, P.B.NO.1727, WAREHOUSING CORPORATION ROAD, COCHIN- 682 016, REPRESENTED BY ITS MANAGING DIRECTOR.

2. R.SREEDHARAN, CHAIRMAN OF THE BOARD OF DIRECTORS & THE EXECUTIVE COMMITTEE OF THE KERALA STATE WAREHOUSING CORPORATION, RESIDING AT SANTHI BHAVAN, KATTAPPANA P.O., IDUKKI DISTRICT.

3. J.VIJAYA MOHANAN, MEMBER, EXECUTIVE COMMITTEE, KERALA STATE WAREHOUSING CORPORATION, JOINT SECRETARY, FINANCE DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.

4. A.VINOBHAN,
MEMBER, EXECUTIVE COMMITTEE,
KERALA STATE WAREHOUSING CORPORATION,
RESIDIGN AT NO.1335-III, 'ANAVADUKKAL',
PRESS JUNCTION, M.G.ROAD, KASARAGOD, PIN- 671 121.

5. MRS.M.ALBERTIN,
MEMBER, EXECUTIVE COMMITTEE,
KERALA STATE WAREHOUSING CORPORATION,
DEPUTY SECRETARY TO GOVERNMENT,
AGRICULTURE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

6. LT.COL.(RETD.)K.G.RAMACHANDRAN,
MANAGING DIRECTOR,
KERALA STATE WAREHOUSING CORPORATION,
RESIDING AT 7-H, J.M.CRESCENT,
P.J.ANTONY ROAD, PALARIVATTOM,
COCHIN- 682 025.

7. D.SREEKUMAR,
ADVOCATE, "JYOTHIS", 40/XLIII,
AYYAPPANKAVU JUNCTION, CHITTOOR ROAD,
COCHIN- 682 018.
(THE ENQUIRY OFFICER APPOINTED BY THE SIXTH RESPONDENT).

BY ADV. SRI.MAJNU KOMATH, SC, K.S.W.C.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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W.A.No.1603 of 2007
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Dated this the 3rd day of July, 2007.

JUDGMENT

Radhakrishnan,J.

We find it unnecessary to consider the various contentions raised by the petitioner. Complaint of the petitioner is that the Managing Director has misled the Executive Committee in initiating the disciplinary proceedings. Further he has also stated that the Managing Director did not place the written statement of defence submitted by the petitioner before the Executive Committee. Counsel also referred to the provisions of the Act as well as the Regulations and submitted that the Managing Director has no power to initiate any action against a Class I Officer. We are of the view that this matter cannot be examined by this Court at this stage of proceedings. If there is any irregularity or illegality in the procedure followed, the petitioner can raise at the appropriate time before the appropriate forum. Already

six sittings are over in the proceedings initiated by the Enquiry Commissioner. In such circumstances, we find no reason to interfere with the proceedings already initiated.

Writ Appeal is dismissed.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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